

# September 15, 2016

## JPS Oversight Committee



Enforcement of the  
current gang law

# Topics:

1. Intelligence and Documentation
2. Safety of Victim(s)/Witnesses
3. Snitching
4. Cooperation



# Intelligence and Documentation

1. Throughout the state of NC departments are getting away from gang units and/or not documenting gang members, associates or suspected members.

a) Why use manpower in documenting gang members and/or groups?

1. Time intensive to document members due to gang getting smarter, learning from LEO actions/court, etc.
2. No Prosecution of gang laws in NC.
3. Judges will not allow gang membership in court on most cases.
4. No stiffer penalties and/or jail time with gang laws if prosecuted in most cases. The same penalties can be accomplished with normal statues.

2. Gangs are changing everyday.

- a) NC has more than just Bloods, Crips, Kings, MS13 and Surenos 13 that you see on TV.
- b) Hybrid gangs disguised as “labels” and change frequently.



Most regions of NC are reporting a “Hybrid gang presence”.

# Intelligence and Documentation

3. Absence of a standardized validation process or validation form for LEO and DA's to use for documenting gang members, associates and suspected members.
  - a. Several agencies throughout the state are documenting gang members, affiliates and suspected members in different ways.
    - i. Not all agencies in North Carolina are using the state provided gang database that shares intelligence throughout the state.
    - ii. Time consuming
    - iii. Etc.
4. No set gang/intelligence based units results in a lack of intelligence being shared.
5. Lack of training for LEO and DA's throughout the state to identify and document gang members.



*Training is offered by the NCGIA through multiple community colleges for FREE! The training consists of identifying, documenting gang members to include identifying gang crimes.*

# Safety of Victim(s)/Witnesses

1. No protection for victim(s) and/or witnesses
  - a. No funding in relocating victim/witnesses.
  - b. Victim and Witness intimidation
    - a. Witness intimidation statute needs to cover from arrest to end of prison/probation term.
      - i. In many cases victim/witnesses are intimidated.
        - a. Phone calls
        - b. Social Media
        - c. "Discovery" on social media and throughout the jails/neighborhoods
        - d. Physical threat
        - e. Third party threat



*How does the current statute pertain to current incarcerated individuals?*

*Stiff prosecution and protection for current prisoners in NC prisons related to gang related assaults in NC prison/county jails, and the intimidation of staff/witnesses.*

# The term “Snitching”

1. The term “Snitching” is more complex now.

- a) Gangs will not testify or give statements against rival gang members and/or associates. To include cases where subjects are shot, stabbed or other violent cases.

Resulting in ....

- i. We have no “victim” in violent person or property cases.
- ii. Resulting in no conviction and/or plea deal.



# Cooperation

## 1. Why Cooperate?

- a) All cooperators know that everything is documented.  
(Commonly referred to as “Black and White”)
- b) **All** information will be released when requested in most cases shortly after indictment. Then trial in most major cases will be pushed for a considerable time with discovery out “in the streets or social media”.
- c) **No state based witness protection.**

## 2. Benefits?

- a) No benefit in cooperating in the “State” system.
- b) Several benefits in the federal system for cooperators
  - a) Pre conviction sentence reduction
  - b) Post conviction sentence reduction
  - c) Etc.





# Examples

## § 14-50.18. Soliciting; encouraging participation; minor.

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under 16 years of age to participate in criminal street gang activity.

(b) A violation of this section is a Class F felony.

**\*\* Effective for Offenses Committed on or after 12/1/95 Through 11/30/09 \*\***

**FELONY PUNISHMENT CHART  
PRIOR RECORD LEVEL**

	<b>I 0 Pts</b>	<b>II 1-4 Pts</b>	<b>III 5-8 Pts</b>	<b>IV 9-14 Pts</b>	<b>V 15-18 Pts</b>	<b>VI 19+ Pts</b>
<b>F</b>	<b>I/A</b> <i>16 - 20</i>	<b>I/A</b> <i>19 - 23</i>	<b>I/A</b> <i>21 - 27</i>	<b>A</b> <i>25 - 31</i>	<b>A</b> <i>28 - 36</i>	<b>A</b> <i>33 - 41</i>
	<b>13 - 16</b>	<b>15 - 19</b>	<b>17 - 21</b>	<b>20 - 25</b>	<b>23 - 28</b>	<b>26 - 33</b>
	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 26</i>





# Examples

## § 14-50.19. Threats to deter from gang withdrawal.

(a) It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, with the intent to deter a person from assisting another to withdraw from membership in a criminal street gang.

(b) A violation of this section is a Class H felony. (2008-214, s. 3.)

## § 14-50.20. Threats of punishment or retaliation.

(a) It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, as punishment or retaliation against a person for having withdrawn from a criminal street gang.

(b) A violation of this section is a Class H felony. (2008-214, s. 3.)

H	C/I/A	I/A	I/A	I/A	I/A	A
	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16



# QUESTIONS?

Other nontraditional crimes in which NC gang members are frequently involved in .....

1. Fraud (Bank, Credit Card, Counterfeiting, etc.)
  - a. Hard to prove and to get a conviction that will give an offender jail time.
  - b. No jail time if convicted and in most cases dropped to misdemeanors on plea deals.
2. Human Trafficking /Prostitution
  - a. Difficult to build a case without dedicated detectives and resources.
3. Narcotic Sales
  - a. Marijuana and prescription sales.
    - i. Lack of prosecution on marijuana sales.
4. Breaking and Entering (Residences and Vehicles)
5. Larcenies



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